

VI. Claims 25 and 26, drawn to a method of treatment by administering a compound of unspecified constitution which is a receptor antagonist, classification undeterminable.

Applicants respectfully traverse the restriction requirement as it applies to Groups I and II. It is the Examiner's position that nucleic acids of Group I, the proteins of Group II, and the antibodies of Group III are distinct because these "compositions contain three structurally and functionally different chemical compounds, each of which can be made and used without the others." (Paper No. 5, page 2.)

Applicants note that even where two patentably distinct inventions appear in a single application, restriction remains improper unless the Examiner can show that the search and examination of both groups would entail a "serious burden". (*See* MPEP § 803.) In the present situation, the Examiner has failed to make such a showing.

Applicants submit that a search of the nucleic acid claims of Group I would provide useful information for examination of the polypeptide claims of Group II. This is because the genetic code is known. Moreover, in many if not most publications, where a published nucleotide sequence is an open reading frame, the authors also include, as a matter of routine, the deduced amino acid sequence. Thus, the searches for polynucleotides and polypeptides would clearly overlap.

Accordingly, as applied to Groups I and II, the restriction requirement should be withdrawn.

In view of the above, Applicants provisionally elect, *with traverse*, Group I, represented by claims 1-21, for further prosecution.

II. The Amendments to the Specification

The amendments to the specification set out above are required to bring the specification into conformity with the formal drawings submitted herewith and to correct obvious typographical errors. Support for the amendments submitted herein are found throughout the specification and the originally filed figures. None of these amendments introduce new matter.

Applicants note that the amendment to page 7, line 14, of the specification presented herein is necessary to introduce text from informal Figure 3. Thus, support for the amendment of page 7, line 14, can be found in originally filed Figure 3. This amendment introduces no new matter.

III. Claims 27-119 are Supported by the Captioned Application

Claims 27-119, which represent the invention of Group I provisionally elected herein, have been added to the application. Support for new claims 27-119 can be found throughout the captioned application. In particular, support for claims 27-34, 43-48, 57-61, 70-72 and 81-93 can be found, *inter alia*, in original claims 1, 8-9, 12-13; in SEQ ID NOs:1-4; at page 5, lines 3-9; at page 7, lines 7-20; at page 10, line 11, to page 11, line 8; at page 13, lines 14-28; at page 14, line 24, to page 15, line 11; and at page 32, line 1, to page 33, line 13. Support for claims 102 and 111 can be found, *inter alia*, in original claim 14; in SEQ ID NOs:1 and 2; at page 5, lines 8-9; at page 15, line 18, to page 16, line 15; at page 20, lines 17-26; at page 32, lines 1-14; and at page 69, line 17, to page 73, line 2. Support for claims 35-42, 49-56, 62-69, 73-80, 94-101, 103-110, and 112-119 can be found, *inter alia*, at page 24, line 17, to page 29, line 18.

Conclusion

It is respectfully believed that this application is now in condition for substantive examination. Early notice to this effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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